FAX TRANSMISSION

Certificate

MAY 1 6 2007

DATE: May 14, 2007

PTO IDENTIFIER: **Application Number**   10/010,942-Conf. #5594   of Correction
                      Patent Number   7,189,819

Inventor: Guriq BASI et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: LAHIVE & COCKFIELD, LLP

Amy E. Mandragouras, Esq.

PHONE: (617) 227-7400

Attorney Dkt. #:   ELN-002

PAGES (Including Cover Sheet):   22

CONTENTS:

Fee Transmittal (1 page)
Transmittal (1 page)
Request for Reconsideration of Patent Term Adjustment Under 37 CFR 1.705(d)
Statement Under 37 CFR 1.702(b)(2)
Exhibits A-E
Certificate of Transmission (1 page)

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1

☑002/022

Application No. (If known): 10/010,942   Attorney Docket No.: ELN-002

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on   _____May 14, 2007_____ .
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                          Signature

            Amy E. Mandragouras, Esq.
_____
Typed or printed name of person signing Certificate

_____36,207_____   _____(617) 227-7400_____
Registration Number, if applicable   Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

      Fee Transmittal (1 page);
      Transmittal (1 page);
      Petition for Reconsideration of Patent Term Adjustment Under 37 CFR 1.705(d) (2 pages);
      Statement Under 37 CFR 1.702(b)(2) (5 pages);
      Exhibits A-E

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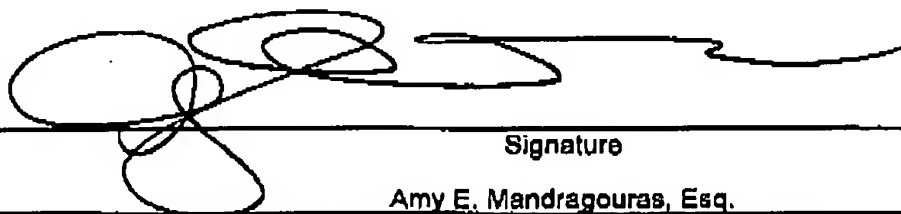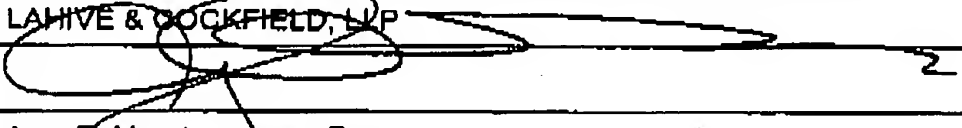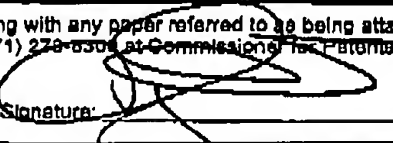
TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	Patent#: 7189819B2
Filing Date	Issued: March 13, 2007
First Named Inventor	Gurlq BASI
Art Unit	1643
Examiner Name	P. K. Tungaturthi
Total Number of Pages in This Submission	Attorney Docket Number ELN-002

ENCLOSURES *(Check all that apply)*

[X] Fee Transmittal Form	[ ] Drawing(s)	[ ] After Allowance Communication to TC
[ ] Fee Attached	[ ] Licensing-related Papers	[ ] Appeal Communication to Board of Appeals and Interferences
[ ] Amendment/Reply	[X] Petition	[ ] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
[ ] After Final	[ ] Petition to Convert to a Provisional Application	[ ] Proprietary Information
[ ] Affidavits/declaration(s)	[ ] Power of Attorney, Revocation Change of Correspondence Address	[ ] Status Letter
[ ] Extension of Time Request	[ ] Terminal Disclaimer	[X] Other Enclosure(s) (please identify below):
[ ] Express Abandonment Request	[ ] Request for Refund	Petition for Reconsideration of Patent Term Adjustment Under 37 CFR 1.705(d);
[ ] Information Disclosure Statement	[ ] CD, Number of CD(s) _____	Statement Under 37 CFR 1.702(b)(2);
[ ] Certified Copy of Priority Document(s)	[ ] Landscape Table on CD	Exhibits A-E; Certificate of Transmission
[ ] Reply to Missing Parts/ Incomplete Application	Remarks	
[ ] Reply to Missing Parts under 37 CFR 1.52 or 1.63		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP
Signature	
Printed name	Amy E. Mandragouras, Esq.
Date	May 14, 2007	Reg. No. 36,207

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	Complete If Known	
Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). **FEE TRANSMITTAL For FY 2006**	Application Number	Patent#: 7189819B2
	Filing Date	Issued: March 13, 2007
	First Named Inventor	Guriq BASI
	Examiner Name	K. A. Ballard
☐ Applicant claims small entity status. See 37 CFR 1.27	Art Unit	1649
TOTAL AMOUNT OF PAYMENT ($) 0.00	Attorney Docket No.	ELN-002

METHOD OF PAYMENT (check all that apply)

☐ Check   ☐ Credit Card   ☐ Money Order   ☐ None   ☐ Other (please identify):

☒ Deposit Account   Deposit Account Number: 12-0080   Deposit Account Name: Lahive & Cockfield, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	Small Entity Fee ($)	SEARCH FEES Fee ($)	Small Entity Fee ($)	EXAMINATION FEES Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)	Multiple Dependent Claims Fee ($)	Fee Paid ($)
___ - 20 = ___	x ___	= ___			

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
___ - 3 = ___	x ___	= ___	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
___ - 100 = ___	/50 ___	(round up to a whole number) x ___	= ___	

4. OTHER FEE(S)

Non-English Specification, $130 fee (no small entity discount)

Fees Paid ($)

Other (e.g., late filing surcharge): Petition for Reconsideration of Patent Term Adjustment Under 37 CFR 1.705(d) $200.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 38,207	Telephone	(617) 227-7400
Name (Print/Type) Amy E. Mandragouras, Esq.			Date	May 14, 2007

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Dated: May 14, 2007   Signature: _____ (Amy E. Mandragouras, Esq.)

Docket No.: ELN-002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Guriq Basi *et al.*

Patent No.: 7,189,819

Filed: March 12, 2003

For: HUMANIZED ANTIBODIES THAT
RECOGNIZE BETA-AMYLOID PEPTIDE

Issued: March 13, 2007

Art Unit: 1649

Examiner: Ballard, Kimberly A.

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 CFR §1.705(d)

Dear Sir:

1.   This is a request for reconsideration of the patent term adjustment of 492 days under 35 USC 154(b) indicated on the Certificate of Correction for the above-identified patent. It is respectfully requested that Patentees be granted a minimum patent term adjustment of **722 days**.

2.   The above-identified patent issued on March 13, 2007. Accordingly, as required by 37 CFR §1.705(d), the instant request is timely filed within two months of the issue date of the above-identified patent.

3.   Patentees submit herewith a "Statement Under 37 CFR §1.702(b)(2)".

Page 1 of 2

US Patent No. 7,189,819
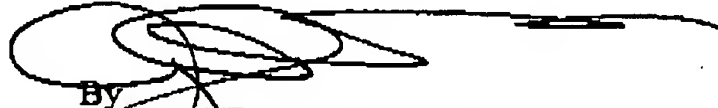
Attny. Docket: ELN-002

4.   In accordance with 37 CFR §1.705(b)(1), please charge the fee set forth in 37 CFR §1.18(e) ($200.00) to our Deposit Order Account No. 12-0080. Please charge any necessary additional fees or credit any overpayments to our Deposit Order Account No. 12-0080.

Dated: May 14, 2007

Respectfully submitted,

By
Amy E. Mandragouras, Esq
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LAHIVE & COCKFIELD, LLP
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Attorney For Patentees

Docket No.: ELN-002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:
Guriq Basi *et al.*

Patent No.: 7,189,819	Issued: March 13, 2007
Filed: March 12, 2003	Art Unit: 1649
For: HUMANIZED ANTIBODIES THAT RECOGNIZE BETA-AMYLOID PEPTIDE	Examiner: Ballard, Kimberly A.

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR § 1.702(b)(2)

Dear Sir:

1.   This statement is respectfully submitted in support of the "Request for Reconsideration of Patent Term Adjustment Under 37 CFR §1.705(d)" for the above-referenced patent. In view of the following, it is respectfully requested that Patentees be granted a final patent term adjustment of **722 days**.

2.   The patent term adjustment under 35 U.S.C. §154(b) for the above-identified patent is **492 days**, as listed on a Certificate of Correction issued May 1, 2007 (a copy of the Certificate is submitted herewith as Exhibit A). The Certificate of Correction was issued to correct an erroneous patent term adjustment of 423 days that was listed on the face of the patent as issued (see Exhibit B). Nevertheless, the determination of 492 days remains in error in that pursuant to 35 U.S.C. §154(b) the Office failed to issue a patent within three years of the actual filing date of the above-referenced application in accordance with 37 CFR §1.702(b) **and** failed to take certain action within the time frame specified in 37 CFR §1.702(a).

Page 1 of 5

Pursuant to 37 CFR §1.703(b), Patentees are entitled to a period of patent term adjustment due to failure of the Office to issue a patent within three years after the date the corresponding application was filed under 35 U.S.C. §111(a), *i.e.*, December 6, 2004 (hereinafter "Three Year Delay"). Since the Office failed to issue the above-identified patent until March 13, 2007, Patentees are entitled to a period of patent term adjustment beginning on the day after the date that is 3 years after the filing date of the application, *i.e.*, December 7, 2004, and ending on the date a patent is issued, *i.e.*, March 13, 2007. Accordingly, the period of patent term adjustment due to the Three Year Delay by the Office is 827 days. This period of adjustment is in agreement with the period of Office delay used by the Office in calculating the patent term adjustment for the above-identified patent (see "USPTO (PTO) Delay" on the PTAS Sheet submitted herewith as Exhibit C[1]).

However, in addition to the patent term adjustment due to Three Year Delay, pursuant to 37 CFR §1.703(a) Patentees respectfully submit that they are also entitled to a period of patent term adjustment under §1.702(a) (hereinafter "Examination Delay") which is the sum of the following periods of delay:

(1) A period of delay of 230 days due to the failure by the Office to mail an action under 35 U.S.C. §132 not later than 14 months after the actual filing date (*i.e.*, by February 6, 2003) (hereinafter "14 Month Delay"). As the Office failed to mail an action under 35 U.S.C. §132 until September 24, 2003, Patentees are entitled to a period of patent term adjustment beginning on the day after the date that is 14 months after the date on which the above-referenced application was filed under 35 U.S.C. §111(a), *i.e.*, February 7, 2003, and ending on the date of mailing of an action under 35 U.S.C. §132, *i.e.*, September 24, 2003. Accordingly, the period of patent term adjustment due to the 14 Month Delay by the Office is 230 days, which is in agreement with the period calculated by the Office (see PTAS Sheet submitted herewith as Exhibit C).

---

[1] The PTAS Sheet submitted herewith as Exhibit C is a "screen shot" from the USPTO PAIR website saved by the Applicant following the receipt of the Issue Notification in February 2007. The PTAS Sheet does not appear to have been updated by the USPTO and is no longer available on PAIR.

U.S. Patent No. 7,189,819   Attorney Docket No.: ELN-002

(2) A period of delay of 14 days due to the failure by the Office to mail a Non-Final Office Action not later than four months after Applicants submitted a response to a previous action (hereinafter "4 Month Examination Delay"). Applicants submitted a Response to Non-Final Office Action on May 19, 2005. Since the Office failed to mail a subsequent Non-Final Rejection until October 3, 2005, Patentees are entitled to a period of patent term adjustment beginning on the day after the date that is 4 months after the date on which the Response was filed, *i.e.*, September 20, 2005, and ending on the date the Office mailed the subsequent Non-Final Office Action, *i.e.*, October 3, 2005. Therefore, the period of patent term adjustment due to the 4 Month Examination Delay is 14 days, which is in agreement with the period calculated by the Office (see Exhibit C).

(3) A period of delay of 92 days due to the failure by the Office to issue the above identified patent within four months after the date the issue fee was paid (hereinafter "4 Month Issue Delay"). The issue fee was paid on August 11, 2006. Since the Office failed to issue the above-identified patent until March 13, 2007, Patentees are entitled to a period of patent term adjustment beginning on the day after the date that is 4 months after the date on which the issue fee was paid, *i.e.*, December 12, 2006, and ending on the issue date of the patent, *i.e.*, March 13, 2007. Therefore, the period of patent term adjustment due to the 4 Month Delay by the Office is 92 days, which is in agreement with the period calculated by the Office (see Exhibit C).

Accordingly, as the Office has concluded (see Exhibit B), Patentees are entitled to a total period of Examination delay of **336 days**, which is the sum of the period of 14 Month Delay (230 days), the period of 4 Month Examination Delay (14 days), and the period of 4 Month Issue Delay (92 days).

As set forth in 37 CFR §1.703(f), Patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR §1.702 (hereinafter "Office Delay") reduced by the period of time equal to the period of time during which Patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR §1.704 (hereinafter "Applicant Delay"). With respect to the above-referenced application, the total period of Office Delay is the sum of the period of Three Years Delay (827 days) and the period of Examination Delay (336 days) *to the extent these periods of delay are not overlapping.* As the period of 14 Month Delay ended on September 24, 2003,

Page 3 of 5

U.S. Patent No. 7,189,819   Attorney Docket No.: ELN-002

prior to the first day of the period of Three Years Delay, *i.e.*, December 7, 2004, Patentees submit that these periods are not overlapping. Patentees note, however, that both the 14 day period of 4 Month Examination Delay (September 20, 2005 to October 3, 2005) and the 92 day period of 4 Month Issue Delay (December 12, 2006 to March 13, 2007) overlap with portions of the Three Year Delay period (December 7, 2004 to March 13, 2007). Patentees enclose a timeline which clearly illustrates this overlap (see Exhibit D). Accordingly, Patentees submit that the total period of Office Delay is 1057 days, which is the sum of the period of Three Year Delay (827 days) and the period of Examination Delay (336 days), reduced by the period of overlap (14 days + 92 days =106 days).

To calculate the period of patent term adjustment, the total period of Office Delay is reduced by the period of Applicant Delay, which the USPTO initially calculated as a period of 392 days (see "Applicant Delay" in Exhibit C), but which was subsequently increased to 404 days following recognition by the Office of a 12 day period of Applicant Day (see "USPTO Adjustment" in Exhibit C), and then reduced to 335 days following a determination by the Office that a 69 day period of Applicant Delay was erroneously attributed to the Applicant (see Petition Decision submitted herewith as Exhibit E). Accordingly, Patentees submit that the correct patent term adjustment for the above-referenced application is 722 days, which is the difference between the total period of Office Delay (1057 days) and the period of Applicant Delay (335 days).
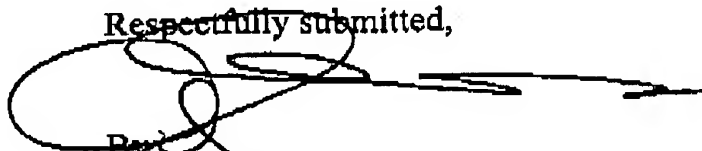
U.S. Patent No. 7,189,819   Attorney Docket No.: ELN-002

In view of the foregoing, it is respectfully requested that this Request for
Reconsideration of Patent Term Adjustment be favorably considered and that a corrected
Determination of Patent Term Adjustment be issued to reflect a patent term adjustment of
722 days.

Dated: May 14, 2007   Respectfully submitted,

                                             By
                                             Amy E. Mandragouras, Esq
                                             Registration No.: 36,207
                                             LAHIVE & COCKFIELD, LLP
                                             One Post Office Square
                                             Boston, Massachusetts 02109
                                             (617) 227-7400
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                                             Attorney For Patentees

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.   : 7,189,819 B2   Page 1 of 1
APPLICATION NO. : 10/010942
DATED   : March 13, 2007
INVENTOR(S)   : Basi et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:
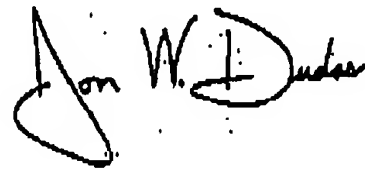
On the title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (423) days

Delete the phrase "by 423" and insert -- by 492 days--

Signed and Sealed this

First Day of May, 2007

JON W. DUDAS
Director of the United States Patent and Trademark Office

EXHIBIT B

US007189819B2

(12) United States Patent
Basi et al.

(10) Patent No.:   US 7,189,819 B2
(45) Date of Patent: Mar. 13, 2007

(54) **HUMANIZED ANTIBODIES THAT RECOGNIZE BETA AMYLOID PEPTIDE**

(75) Inventors: **Guriq Basi**, Palo Alto, CA (US); **Jose William Saldanha**, Enfield (GB)

(73) Assignees: **Wyeth**, Madison, NJ (US); **Neuralab Limited**, Smiths (BM)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 423 days.

(21) Appl. No.: 10/010,942

(22) Filed: **Dec. 6, 2001**

(65)   **Prior Publication Data**

    US 2003/0165496 A1   Sep. 4, 2003

Related U.S. Application Data

(60) Provisional application No. 60/251,892, filed on Dec. 6, 2000.

(51) Int. Cl.
    C07K 16/18   (2006.01)
    A61K 39/395   (2006.01)
    C12P 21/08   (2006.01)

(52) U.S. Cl. 530/387.3; 530/387.9; 424/133.1; 424/139.1

(58) Field of Classification Search 530/387.1, 530/387.2, 387.3, 387.9, 388.1, 388.15
    See application file for complete search history.

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(Continued)

Primary Examiner—Janet L. Andres
Assistant Examiner—Kimberly A. Ballard
(74) *Attorney, Agent, or Firm*—Lahive & Cockfield, LLP; Amy E. Mandragouras, Esq.; Debra J. Milasincic, Esq.

(57)   **ABSTRACT**

The invention provides improved agents and methods for treatment of diseases associated with amyloid deposits of Aβ in the brain of a patient. Preferred agents include humanized antibodies.

63 Claims, 10 Drawing Sheets

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10/010,942   HUMANIZED ANTIBODIES THAT RECOGNIZE BETA AMYLOID PEPTIDE

Patent Term Adjustment

Filing or 371(c) Date:	12-06-2001	USPTO Delay (PTO) Delay (days):	827
Issue Date of Patent:	03-13-2007	Three Years:	
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	392
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	423
USPTO Adjustment (days):	-12	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
02-21-2007	PTA 36 Months	491	
03-13-2007	Patent Issue Date Used in PTA Calculation	92	
02-01-2007	Dispatch to FDC	←	
02-01-2007	Dispatch to FDC	←	
12-26-2006	Record a Petition Decision of Granted for Patent Term Adjustment after Allowance	←	
12-26-2005	Record a Petition Decision of Granted for Patent Term Adjustment after Allowance	←	
12-21-2006	Adjustment of PTA Calculation by PTO	←	69
12-21-2006	Adjustment of PTA Calculation by PTO	←	←
12-21-2006	Adjustment of PTA Calculation by PTO		38
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Other

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Trademarks
Policy & Law
Reports

Date	Event		
12-21-2006	Adjustment of PTA Calculation by PTO		
12-21-2006	Adjustment of PTA Calculation by PTO		
12-21-2006	Adjustment of PTA Calculation by PTO		
12-21-2006	Adjustment of PTA Calculation by PTO	73	
12-21-2006	Adjustment of PTA Calculation by PTO		
12-21-2006	Adjustment of PTA Calculation by PTO	107	
12-21-2006	Adjustment of PTA Calculation by PTO		
12-21-2006	Adjustment of PTA Calculation by PTO		
08-10-2006	Petition Entered		
10-10-2006	TC Return to Pubs		
08-17-2006	Application Is Considered Ready for Issue		
08-11-2006	Issue Fee Payment Verified		
08-11-2006	Issue Fee Payment Received		
08-08-2006	Correction - Drawing NOT Required		
06-28-2006	Receipt into Pubs		
05-30-2006	Receipt into Pubs		
05-30-2006	Sequence Forwarded to Pubs on Tape		
05-24-2006	Receipt into Pubs		
05-11-2006	Mail Notice of Allowance		
05-11-2006	Mail Formal Drawings Required		
05-11-2006	Mail Examiner Interview Summary (PTOL - 413)		
05-10-2006	Formal Drawings Required		
05-10-2006	Notice of Allowance Data Verification Completed		
05-10-2006	Case Docketed to Examiner in GAU		
04-24-2006	Examiner Interview Summary Record (PTOL - 413)		
05-01-2006	Mail Examiner Interview Summary (PTOL - 413)		
04-11-2006	Examiner Interview Summary Record (PTOL - 413)		
03-15-2006	Information Disclosure Statement considered		
03-03-2006	Information Disclosure Statement considered		

Date	Event	
12-22-2005	Information Disclosure Statement considered	←
03-15-2006	Reference capture on IDS	←
03-15-2006	Information Disclosure Statement (IDS) Filed	←
03-03-2006	New or Additional Drawing Filed	←
03-13-2006	Date Forwarded to Examiner	←
03-03-2006	Response after Non-Final Action	59
03-03-2006	Request for Extension of Time - Granted	←
03-03-2006	Reference capture on IDS	←
03-03-2006	Information Disclosure Statement (IDS) Filed	←
02-22-2006	Mail Examiner Interview Summary (PTOL - 413)	←
02-16-2006	Examiner Interview Summary Record (PTOL - 413)	←
12-22-2005	Reference capture on IDS	←
12-22-2005	Information Disclosure Statement (IDS) Filed	←
10-03-2005	Mail Non-Final Rejection	14 ←
09-29-2005	Non-Final Rejection	←
08-24-2005	Case Docketed to Examiner in GAU	←
06-28-2005	Case Docketed to Examiner in GAU	
05-24-2005	Information Disclosure Statement (IDS) Filed	5
06-02-2005	IFW TSS Processing by Tech Center Complete	←
06-02-2005	Case Docketed to Examiner in GAU	←
11-29-2004	Reference capture on IDS	←
11-29-2004	Information Disclosure Statement (IDS) Filed	←
05-24-2005	Reference capture on IDS	←
06-01-2005	Date Forwarded to Examiner	30
05-19-2005	Response after Non-Final Action	←
05-19-2005	Request for Extension of Time - Granted	←
05-25-2005	Case Docketed to Examiner in GAU	
01-19-2005	Mail Non-Final Rejection	
01-19-2005	Non-Final Rejection	

United States Patent & Trademark Office

Date	Event	
12-16-2004	Information Disclosure Statement (IDS) Filed	20
12-20-2004	Date Forwarded to Examiner	←
12-14-2004	Supplemental Response	←
12-07-2004	Date Forwarded to Examiner	←
11-25-2004	Response after Non-Final Action	92
11-26-2004	Request for Extension of Time - Granted	←
11-26-2004	Workflow incoming amendment IFW	←
05-26-2004	Mail Non-Final Rejection	←
05-25-2004	Non-Final Rejection	
03-18-2004	Date Forwarded to Examiner	79
03-12-2004	Response to Election / Restriction Filed	←
03-12-2004	Request for Extension of Time - Granted	←
12-19-2003	Correspondence Address Change	←
09-20-2003	Preliminary Amendment	
09-24-2003	Mail Restriction Requirement	230
09-24-2003	Requirement for Restriction / Election	←
09-17-2003	Case Docketed to Examiner in GAU	←
10-03-2002	Information Disclosure Statement (IDS) Filed	←
07-09-2002	Preliminary Amendment	←
05-27-2003	Case Docketed to Examiner in GAU	←
04-21-2003	Case Docketed to Examiner in GAU	←
10-11-2002	Application Dispatched from OIPE	
10-10-2002	Application Is Now Complete	
09-16-2002	Additional Application Filing Fees	107
09-16-2002	CRF Disk Has Been Received by Preexam / Group / PCT	←
10-07-2002	CRF Is Good Technically / Entered into Database	←
08-25-2002	Receipt of all Acknowledgement Letters	←
08-21-2002	SEQUENCE ERRORS	←
07-01-2002	Payment of additional filing fee/Preexam	←

mhtml:file://G:\Data\E\ELN\002\PTA%20Reconsideration\Exhibit%20C.mht

United States Patent & Trademark Office

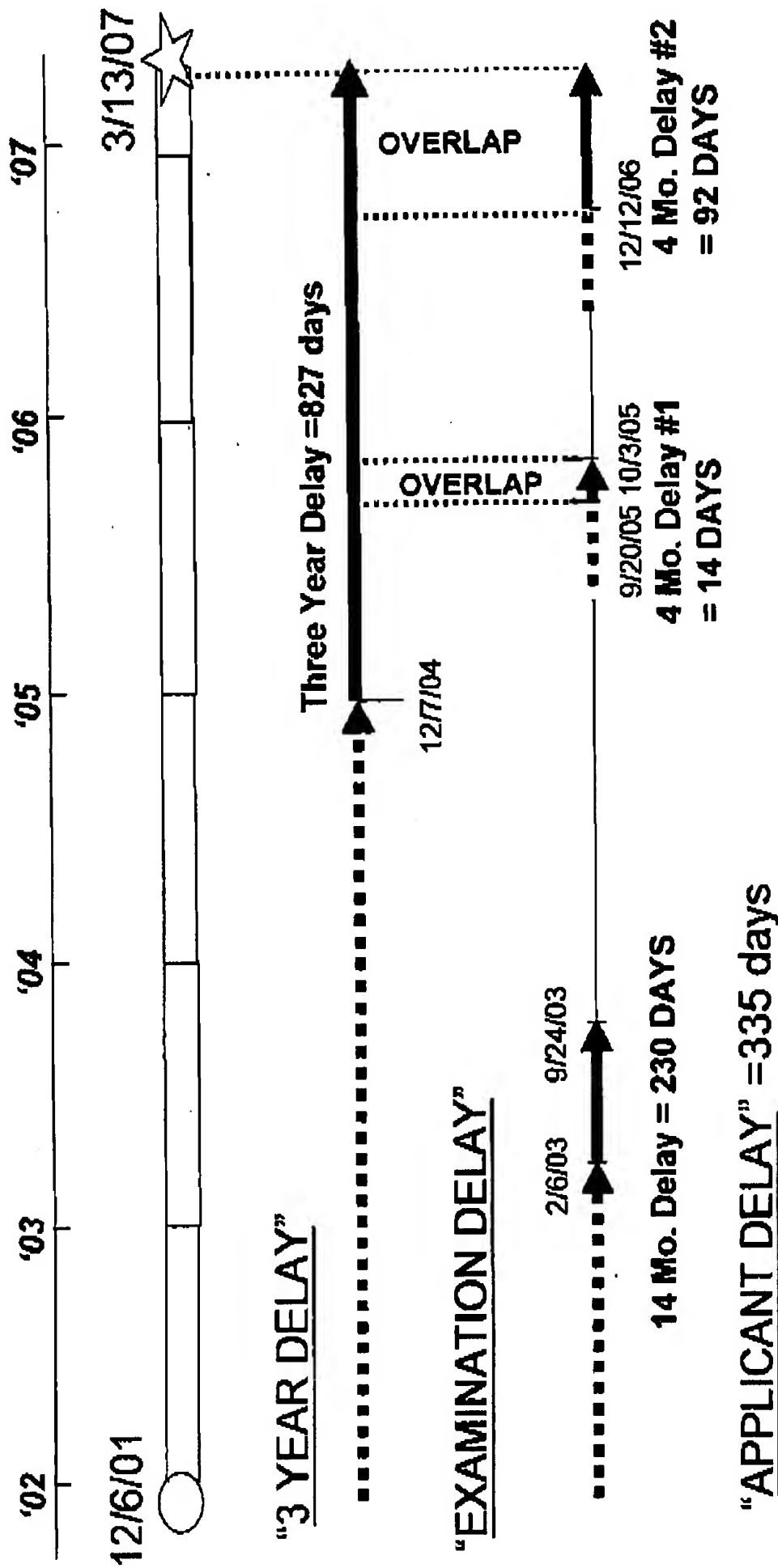| 07-01-2002 | CRF Disk Has Been Received by Preexam / Group / PCT |
07-01-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
07-30-2002	CRF Does Not Match Application Specification -- Applicant Must Correct
03-01-2002	Notice Mailed--Application Incomplete--Filing Date Assigned
01-15-2002	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated
01-10-2002	IFW Scan & PACR Auto Security Review
01-04-2002	CRF Is Flawed Technically / Not Entered into Database
12-19-2001	IFW Scan & PACR Auto Security Review
12-06-2001	CRF Disk Has Been Received by Preexam / Group / PCT
12-06-2001	Initial Exam Team nn

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5/14/2007

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Exhibit D

'02 '03 '04 '05 '06 '07

12/6/01

3/13/07

Three Year Delay =827 days

12/7/04

"3 YEAR DELAY"

OVERLAP

OVERLAP

9/20/05 10/3/05
4 Mo. Delay #1
= 14 DAYS

12/12/06
4 Mo. Delay #2
= 92 DAYS

"EXAMINATION DELAY"

2/6/03   9/24/03

14 Mo. Delay = 230 DAYS

"APPLICANT DELAY" =335 days

PTA = (827 + 230) -335 = **722 days**

○ Filing Date

☆ Issue Date

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OFFICE OF PETITIONS

Patent No. 7,189,819   :
Basi et al.   :   DECISION ON REQUEST FOR
Application No. 10/010,942   :   RECONSIDERATION OF
Issue Date: March 13, 2007   :   DECISION ON APPLICATION
Filed: December 6, 2001   :   FOR PATENT TERM ADJUSTMENT
Attorney Docket No. ELN-002   :

This is a decision on the "REQUEST FOR RECONSIDERATION OF AN APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. §1.705(b) AND/OR §1.705(c)," filed February 26, 2007.

The request for reconsideration of the decision of December 26, 2006 is granted to the extent that the decision of December 26, 2006 has been reconsidered and **GRANTED** on the merits.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of four hundred ninety-two (492) days.

In pertinent part, by decision mailed December 26, 2006, the application for patent term adjustment filed October 26, 2006 was granted-in-part. However, a period of reduction of 69 days was entered pursuant to 37 C.F.R. §1.704(c)(7). The basis of this reduction was that applicant's response filed July 9, 2002 had an omission, which was corrected with the filing of another response, 69 days later, on September 16, 2002.

On instant request for reconsideration, patentees maintain that the response, contained on a computer readable disk, did not include an omission. Rather, the disk filed July 1, 2002 had to

Patent No. 7,189,819   Application No. 10/010,942   Page 2

be re-supplied September 16, 2002 because it was subsequently
found to be damaged by the USPTO and the damage was not due to
any lack of due care by Applicants, but instead due to the
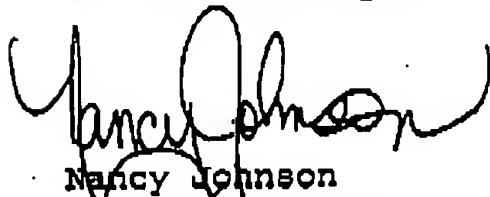subsequent handling and treatment of the disk by others.

Patentees' arguments and evidence have been considered and found
persuasive. The request for reconsideration included evidence
that the disk filed July 1, 2002 was identical to the disk filed
September 16, 2002, and that both disks as they were originally
sent to the Office by patentees were not damaged. In view
thereof, the reduction of 69 days entered pursuant to
§ 1.704(c)(7) is being removed.

In view thereof, the patent should have issued with a revised
patent term adjustment of 492 days.

No fee is required on instant request for reconsideration of
decision on application for patent term adjustment.

The application file is being forwarded to the Certificates of
Correction Branch for issuance of a certificate of correction in
order to rectify this error. The Office will issue a
certificate of correction indicating that the term of the above-
identified patent is extended or adjusted by four hundred
ninety-two (492) days.

Telephone inquiries specific to this matter should be directed
to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT   : 7,189,819 B2

DATED   : March 13, 2007

INVENTOR(S) : Basl et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (423) days

Delete the phrase "by 423" and insert -- by 492 days--.